

From: karen.holland@abbott.com@inetgw
To: Microsoft ATR
Date: 1/25/02 7:12pm
Subject: Microsoft Settlement

Dear Sirs,

Although I have co-signed the open letter provided by Dan Kegel at his website, I feel it necessary to provide my own comments on the matter of the Microsoft Settlement. It was not until very recently that I was made aware that I could contribute comment in regards to the settlement, and although it is likely that I will not have time to complete my review of the settlement before the deadline for commenting, here are the comments that I have determined to date:

Section III.D.

I agree that the covered items are insufficient to provide equitable development capabilities to Microsoft and non-Microsoft developers. As well, it provides no means to insure promptness of publication (the definition of 'timely manner' can easily be worked around) nor remedies for internal communications about the future plans of APIs to which Microsoft programmers may be privy and for which they may accordingly provide for in their programming.

Section III.I.

This section does not provide sufficient requirements to define the patent scope and licensure for intellectual property of Microsoft. A major inhibitor to development by non-Microsoft software developers is the potential of having to defend against the giant that is Microsoft. Legal fees alone may put all but the largest companies out of business long before the suit could be completed even should it result in a favorable decision for the other party. This section has merely provided some access to these patents and intellectual property without providing for their application.

In general, I have been very disappointed with this judgement and do not feel that it is a sufficient remedy. I do not believe that Microsoft has, or will, behave in any better good faith than they have shown in the past and that this settlement does not provide the means to unfetter the market for the long term, if possibly not even for the short term.

Sincerely,
Karen Holland, PE
Sr. Instrumentation & Controls Engineer

Northborough, MA

